



HERSHKOVITZ & ASSOCIATES
2845 DUKE STREET
ALEXANDRIA, VA 22314
703-370-4800

In re application of : C.Y. Lin, et al. Docket No.: J3600.05
Application No. : 10/634,351 Group Art Unit: 1713
Filed : August 4, 2003 Examiner: Lee, Rip A.
For : PLASTICIZED POLYOLEFIN COMPOSITIONS

COMMISSIONER FOR PATENTS
Mail Stop Petition
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a **PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.137(b)** in the above-captioned application.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:	20	0	x 25=	\$	x 50=	\$
**Indep. Claims:	3	0	x 100=	\$	x 200=	\$
Multiple Dependent Claims Presented			+180=	\$	+360=	\$
Extension Fees for Month				\$		\$
Petition under 37 C.F.R. 1.137(b)				\$		\$ 1,500
Total:				\$	Total:	\$ 1,500

* If less than 20, write 20

**If less than 3, write 3

☒ Please charge my Deposit Account No. **50-2929** in the amount of \$ **1,500**.

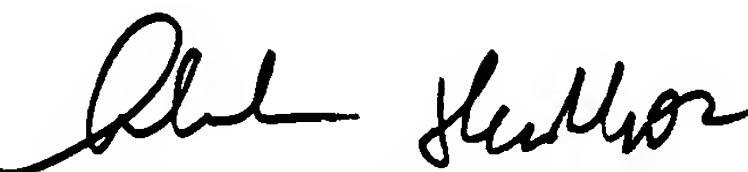
☐ A Check in the amount of \$ to cover the necessary fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **50-2929**:

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136(a)(3)).

September 5, 2006
Date


Abraham Hershkovitz
Reg. No. 45,294

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of
C. Y. Lin, *et al.*

Docket No.: 2002B107A

Appl. No.: 10/634,351

Office of
Petitions

Confirmation No.: 8824

Filed: August 4, 2003

Examiner: Lee, Rip A.
Art Unit: 1713

For: PLASTICIZED POLYOLEFIN COMPOSITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL
OF ABANDONED APPLICATION**

Sir:

This is a Petition under 37 C.F.R. § 1.137(b) for revival of the present application.

BACKGROUND

It is unclear whether the present application is abandoned. While Petitioner believes that the present application is not abandoned, in an abundance of caution, Petitioner hereby submits this Petition. In the event that the present application is abandoned, Petitioner requests revival of the present application under 37 C.F.R. § 1.137(b). In the event that the present application is not abandoned, Petitioner requests that this Petition be dismissed as moot.

09/07/2006 JADD01 00000112 502929 10634351

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PROSECUTION HISTORY

An outline of the prosecution history of the present application is as follows.

On December 5, 2005, a Final Rejection was mailed.

On February 23, 2006, an Amendment after Final Rejection along with an Information Disclosure Statement were filed. This Amendment was filed within three months from the Final Rejection and was believed to not require an Extension of Time, although on page 25, the Amendment stated "The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account Number 05-1712."

On April 14, 2006, an Advisory Action was mailed, refusing entry of the Amendment under 37 C.F.R. § 1.116.

On May 5, 2006, a Supplemental Amendment was filed. This Supplemental Amendment effectively included a Request for an Extension of Time, by virtue of the statement on page 17, "The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account Number 05-1712." Furthermore, since this Amendment complied with all requirements made by the Examiner, it was believed to *prima facie* place the application in condition for allowance.

On August 2, 2006, a Notice of Allowance along with an Examiner's Amendment were mailed. The Examiner did not charge any additional fees for the Examiner's Amendment.

RELIEF REQUESTED

It is not clear whether the Examiner should charge fees for an Extension of Time for the Examiner's Amendment in this situation. Therefore, it is unclear whether the present application is abandoned for this reason, or whether the Examiner is authorized to enter an Examiner's Amendment without a fee charge. As stated above, while Petitioner believes that the present application is not abandoned (because all of the Petitioner's Responses included an authorization to charge any additional fees), in an abundance of caution, Petitioner hereby submits

this Petition. In the event that the present application is abandoned, Petitioner requests revival of the present application under 37 C.F.R § 1.137(b).

37 C.F.R § 1.137(b) provides, in part, that if the delay in reply by an applicant was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The Petitioner submits that:

(1) The Supplemental Amendment of May 5, 2006, as previously filed, constitutes a proper reply to be considered by the Examiner;

(2) The petition fee as set forth in § 1.17(m) (\$ 1,500), if necessary, accompanies this Petition via the authorization to charge any necessary fees in connection with this Petition;

(3) Based on information and belief, Petitioner herein states that, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and

(4) A terminal disclaimer is not required in the present situation since the present application was filed after June 8, 1995.

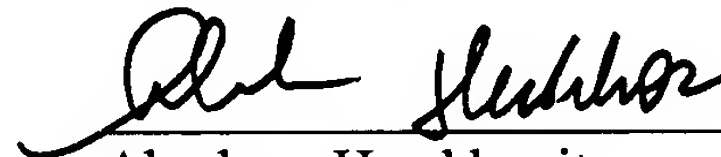
CONCLUSION

It is unclear whether the present application is abandoned for the reason that the Examiner is without authorization to mail the Examiner's Amendment without a fee charge. In the event that the present application is abandoned for this reason or any other reasons, Petitioner requests revival of the present application under 37 C.F.R § 1.137(b). In the event that the present application is not abandoned, Petitioner requests that this Petition be dismissed as moot.

The petition fee as set forth in § 1.17(m) (\$ 1,500) accompanies this Petition. If any additional fees are required for consideration of the petition filed herein, or to maintain pendency of the application, the Commissioner is hereby authorized to charge such fees, or credit any overpayment or unnecessary payment, to Deposit Account No. 50-2929.

Please direct questions related to this Petition to the undersigned. All future communications should be sent to the address of record.

Respectfully submitted,
C. Y. Lin, *et al.*



Abraham HersHKovitz
Reg. No. 45,294

September 5, 2006
HERSHKOVITZ & ASSOCIATES
2845 Duke Street
Alexandria, VA 22314
TEL: (703) 370-4800
FAX: (703) 370-4809
E-MAIL: patent@hershkovitz.net